

**Excerpt from the  
CITY PLANNING COMMISSION MINUTES  
Minneapolis Community Planning & Economic Development (CPED)**

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**MEMORANDUM**

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DATE: June 20, 2013

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of May 20, 2013

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The following actions were taken by the Planning Commission on May 20, 2013. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Brown, Cohen, Huynh, Kronzer, Luepke-Pier, Schiff and Wielinski – 8

Not present: Gagnon (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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**3. 1915 Fremont Ave S (BZZ-6033, Ward: 7), 1915 Fremont Ave S ([Becca Farrar](#)).**

**A. Rezoning:** Application by Peter Frenz for a petition to rezone the property located at 1915 Fremont Ave S from the R2B (Two-family) District to the R3 (Multiple-family) District in order to allow for the conversion of an existing duplex into a triplex. Currently, there is an existing illegal dwelling unit that occupies the 3rd floor of the dwelling. With approval of the rezoning, the illegal dwelling unit could be converted to a legal dwelling unit with the appropriate building permits.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **deny** the rezoning petition to change the zoning classification of the property located at 1915 Fremont Ave S from the R2B (Two-family) District to the R3 (Multiple-family) District in order to allow for the conversion of an existing duplex into a triplex.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Absent:** Gagnon

Staff Farrar presented.

**Commissioner Huynh:** Can you clarify for the other properties that are in the R2B, are they operating as a legal nonconforming use or how are they operating with more than two units currently?

**Staff Farrar:** The property to the south, which is a duplex that was originally cited, that is legally now a duplex. The 1909, that went through a process at the city through the permitting and Housing Inspections Department where we were able to establish grandfather rights. That was split at the county; it's a CIC. It's a condominium so those three units are legal. The other two to the north, 1905 and 1907, are basically attached townhome units so it's one on each half of that lot so those are legal. The 1901 is a legal single family. Going back over to the other side of the block, I believe 1900 is a triplex and that is a legal nonconforming use. The next parcel, 1906, is single family. The property at 1912 is a three unit condominium and I believe that is a similar situation where they had grandfather rights for that unit and then went to the county and did that as a CIC plat. The 1920 is really unique in the fact that it has split zoning on that particular parcel with the six units so that's clearly a nonconforming use.

**Commissioner Cohen:** Was there a convenience store there for a while? Where was that?

[Audience member off mic answered]

**Commissioner Kronzer:** Do you know what the number of units are across Fremont?

**Staff Farrar:** I didn't do that analysis as part of the application. I think it's fair to say the context is relatively similar, but I don't have the specifics for each property.

**Commissioner Wielinski:** Can you tell us what year the house next door was required to go back to a duplex?

**Staff Farrar:** The one to the south? There were orders for many years. It looks like it started with an illegal unit that was identified in 2009 and by the time they actually corrected the issue it looks like it was 2011.

President Tucker opened the public hearing.

**Peter Frenz (1915 Fremont Ave) [not on sign-in sheet]:** I believe the main neighborhood concern is parking and that the addition of an on-site parking spot would alleviate at least one more car from the street. I did get on the agenda at the Lowry Hill Neighborhood Association's board on May 7. We had an amicable discussion about this and there were no strong objections, just questions. One thing that the president of the board did tell me was that they don't object to more people in the neighborhood, only more cars parked on the street. We sent letters to the surrounding property owners to introduce ourselves and to inform them about our plans for the project. I have had several of them come up to me and wish us well. I'd like to show some pictures of the unit in question. This is the rear bedroom. These photos are pictures that I took. I think we're all used to fisheye lenses that make everything look bigger, but this is not one of those cameras. These are actually quite large rooms and I think you all have the diagrams. They are nine foot ceilings with ceiling fans. The bathroom is on the right. This is a second bedroom here. This is finished with the original radiator and heated from the boilers in the basement. It's furnished with the original oak woodwork around the windows, floor, door trimming and so on. The kitchen is 15x15; it's an eat-in kitchen. The windows, floor and doors...all the woodwork is the oak original to the house. There's a 26' central hallway that goes through all the rooms. This is approached by a staircase that was built originally to the house. It's finished all the way up from the basement to the third floor. I would submit that this was originally meant to be a living unit. In 1907 it may have been intended for a domestic, maybe during the depression it was used for boarders, I don't know. This was not just an attic space. We have good ventilation and full sized windows and people have been living up there and renting this successfully for the last 20 years until just recently when we bought the house. This used

to be a storage space from what I understand so the finishing is not in the original woodwork, but this is a very large living room. It may not look as large in the photo. Under finding number one of the report, it states that policy is to promote development that is compatible with nearby properties and neighborhood character. Also, it says to promote a range of housing types and residential densities. Becca has gone over the different types of housing. Just to reiterate, of the nine properties on the north half of this block zoned R2B, there are two single family houses, two townhomes, one duplex...which obviously has a built out third floor, three triplexes and one six unit house. That particular six unit house is half into the zoning for R4 from what I understand. Except for the single family homes, these homes, I believe, were built to accommodate third floor residents. Two of them were grandfathered in as third floors and used as condos right now. I submit that it is natural that these homes be able to use this space for rental. This is not changing the original character of the homes on this block. This half of the block was zoned R4 from 1963 to 1977. I understand changing this designation and limiting future development in new apartment buildings because that would alter the character of the neighborhood, but I would argue that precedent here has been well established with the existing homes and that a range of housing types and residential densities is being achieved and that this zoning change is supported by these policies. You've seen the photos, this is not a makeshift basement or attic space...there are 1158 square feet with two full size bedrooms, each with a closet, a main hallway, a 15x15 eat in kitchen, a bathroom and a very large living room with nine foot high ceilings. There is also a very large 16x4 enclosed storage closet. Under finding number two in the report, the consideration here is whether the amendment is in the public interest and is not solely in the interest of a single property owner. The finding is that rezoning would be in the interest of the property owner. Well, clearly, but not solely. How would adding a third unit not be in the public interest? This would provide a clean, desirable, affordable housing unit in a desirable location within walking distance of the urban center and close to public transportation. According to the May 2, 2013 Star Tribune article, there is currently a rental housing shortage in Minneapolis, which continues to worsen in the first quarter of this year despite 620 new apartments being built. I would also submit that the problem with new apartments is that the cost of construction necessitates high rents. There have been 40,100 jobs added in the twin cities since January 2012. To quote the article, "with the wave of new jobs also comes a growing appetite among twin cities residents to be closer to work and to city life." Thank you for your consideration. I ask that you find to approve the zoning change for this property.

**Sarah Janecek (1916 Fremont Ave):** I also own rental housing on Franklin. I am intimately familiar with every building on my block because illegal apartment units have been a huge problem. Recently, the Board of Estimates...is that the name of it? ...they rejected 1937 and 1941 on that side of the block, those are six unit apartment buildings. They rejected adding new units there.

**President Tucker:** Probably Board of Adjustment.

**Sarah Janecek:** That was on parking. I'm representing myself and others in the neighborhood. I feel for the economics of having a third rental unit, but parking is a huge issue. I know that other people are looking at his one as precedent so they can come back and ask for more units. On that block of Fremont, there are 119 separate dwelling units. It's at Fremont and Franklin and there is no public parking on Franklin. We're on the cutting edge of this mixed use development and we all argue in our neighborhood that we do more than our fair share. That's a lot of units for one block to support. I think it's terrible public policy for someone to knowingly buy a building and then try to add more units or for you to award someone who has continued to operate a third unit. My major issue is parking, but it's also precedent.

**Joshua Keller (1814 2<sup>nd</sup> Ave N):** I run a business on that block. I manage the buildings that were denied the variances for the apartments in 1937 and 1941 Fremont. I'm here to just say that this particular duplex rezoning to a triplex does not affect the parking so I would be in favor of adding another unit to the triplex located at 1915 Fremont Ave S. It seems that parking would be the major issue here and he seems to have a

remedy for this issue. It also seems that adding a unit is adding to the community, which there is a demand for in this area. I don't see it as a trend, I see this specific property as having the usage of a triplex the way that it's laid out. There would be no construction. It seems to be in line with the City's overall goal of increasing density, even in dense areas and this is zoned R4 two parcels south. That's all I have to say.

President Tucker closed the public hearing.

**Commissioner Luepke-Pier:** Do you know, for 1917, did they go through any variance or rezoning processes before they converted it back to a conforming duplex or no?

**Staff Farrar:** They did not. I checked the records to see if they had actually applied to get a nonconforming use certificate or to pursue the planning commission. I'm going to guess that they probably spoke to staff and staff probably said at that time that it's unlikely the application would be supported so they chose not to pursue it, but that'd just be me surmising what the conversation was.

**Commissioner Cohen:** I think it's evident this is for the benefit of the property owner and not the benefit of the community as a whole and I have difficulty supporting it not only for that reason, but because I am familiar with this block. I think it has stabilized and I think this will set a precedent that will destabilize it. Parking is not the major concern for me, it is the issues I just stated and I would support the staff recommendation to deny.

**President Tucker:** Is that your motion?

**Commissioner Cohen:** Yes (Luepke-Pier seconded).

**Commissioner Huynh:** I think in addition to just echo Commissioner Cohen, the application here is not necessarily about the increased density or lack of parking because you could add in one stall, but I think it's the precedent you would set in rezoning homes in this district versus trying to establish it as a legally nonconforming use. I understand the difficulties with that, but rezoning is a very difficult option that the City has that sets precedents. For that reason, I support the staff recommendation to deny the application.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Absent:** Gagnon

**5. 815 14<sup>th</sup> Ave SE (BZZ-6020, Ward: 3), 815 14<sup>th</sup> Ave SE ([Kimberly Holien](#)).**

**A. Rezoning:** Application by Blake Bonjean of 815 14th Avenue LLC for a rezoning of the building located at 815 14th Ave SE from the I1, Light Industrial district to the R5, Multiple-family Residence district.

**Action:** The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the findings and **approve** the application for Rezoning from the I1, Light Industrial district to the R5, Multiple-family Residence district for the property at 815 14<sup>th</sup> Ave SE.

**Aye:** Brown, Cohen, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Absent:** Gagnon

**Recused:** Huynh

**President Tucker:** This was brought to the Committee of the Whole meeting. Not too many of us were there. The discussion was about exterior materials and I think Commissioner Cohen asked for brick along the first floor. I also talked about the public presence at 14th Ave where the staircase is. You suggested as one of the conditions that nichiha be no less than a half inch.

**Staff Holien:** Regarding the brick on the first floor, that is a condition of approval for this application. The applicant did increase the amount of brick at the two ends of the building but not along the alley elevation or the north elevation so the condition of approval by staff is that the rock face CMU in those locations be replaced with brick so that would be on the first floor all the way around the building. Regarding the east end of the building, when this was before you at Committee of the Whole, there was a community room at this end of the building which provided some more active use on this side. When this went to preliminary development review, one of the comments that came from Construction Code Services was that an additional elevator would be required on that end of the building for ADA accessibility into the community room. They were proposed a stair, but in order for it to be accessible they would have needed a second elevator. Based on that feedback, they moved the community room to the front of the building and the bike storage room is proposed back there. They're also kind of programming it for bike repair so there will occasionally be some more active use in that area than just storage, but again, that would be an occasional function as needed by residents. They are proposing windows on this elevation, but it does not meet the 20% as required so that is another condition of approval that the 20% windows be provided on that elevation.

**President Tucker:** They were close, weren't they at 17%? I would hope for much more than that to open it up.

**Staff Holien:** On the nichiha, the condition of approval requiring that that material be no less than a half inch thick is related to, as we're learning more about this product, the larger smooth panels that we're used to seeing for nichiha have a greater thickness. There are other nichiha products that are thinner and can result in a smaller kind of tile design that's less durable at the lesser thickness. The condition of approval is basically intending to secure that we get what they had been proposing and what had been shown to you at Committee of the Whole, which is the larger smooth panels. In situations where we have allowed that material for more than 30% of an elevation, that's what we've been looking for.

**President Tucker:** Is there a characteristic installation method with the half inch or thicker material? Fasteners in the back?

**Staff Holien:** Right.

**President Tucker:** That came up in one of our CoW discussions about materials and I think it's something that we're exploring.

**Commissioner Luepke-Pier:** I believe you're referring to the rain screen principles.

**Scott Nelson (DJR) [not on sign-in sheet]:** Just to clarify on the nichiha material, the series we're proposing to use is 5/8 of an inch thick. It's the Illumination Series and we consider it a higher quality material than hardie panel. It has a 50 year warranty for the material itself, 15 for finished. We're excited about using it in this project because we think it will bring a higher quality to the whole project. To speak to some of the other conditions, we were in agreement with all the conditions that were proposed by staff. There was talk of extending a walkway from the one side of the building all the way over to the end of the stairs and we thought that was a good suggestion and we'd be happy to do that. We had a community room on that end of the building. We have a tight budget, to a degree, on this project and to do another elevator would be problematic. Inspections viewed that to access the community room via the garage would not be acceptable so we moved it to the opposite side and created a new exterior patio on that side of the building. To try and mediate that a little bit we enlarged and made the bike storage room kind of a bike maintenance room and we'd be happy to make larger windows on that side of the building as well. We have 100 bikes in this facility. Most all of the

students and other residents of this building will have bikes. We think that room will be a pretty active use, certainly not as active as a community room.

**President Tucker:** Do you have any other ideas for activating that into the building and making it more public?

**Scott Nelson:** We could have some exterior uses like a patio or trellis or something like that. We did want to have a patio that was adjacent to the community room.

**President Tucker:** Looking at your plan, it doesn't look like there is a bicycle repair work area there, it looks like it's all storage. Am I reading that wrong?

**Scott Nelson:** We called it out as bike storage. The intent is that it's big enough, we have over 100 spaces for bikes so we can certainly make it work.

**President Tucker:** If you could make a space that's a little more obviously repair and you can bring your bikes in and out...

**Scott Nelson:** We'd be happy to do that. If you want to add that as a condition...

**President Tucker:** I will be adding an amendment that you work with staff to do that and path and explore outdoor options to make that end as public as possible.

**Commissioner Luepke-Pier:** I was going to ask about the bike room too. Is it going to have access to water for people to wash their bikes down and get them cleaned up? Also, is it possible to put the lights on sensors so that way anytime anyone is in the room it illuminates the space so in addition to the windows you'd actually see activity?

**Scott Nelson:** I think both of those would be reasonable. We have plumbing throughout the building.

**Commissioner Luepke-Pier:** Oh, and an air compressor for blowing up tires.

**Commissioner Cohen:** That long hike down 8<sup>th</sup> St, we had a lengthy discussion about doing something to break that up. I think we also suggested some possibilities for a coffee shop or something on the corner, something in the middle, something somewhere. Has anything come to fruition since we had that discussion?

**Staff Holien:** I believe you may be referring to another project. This one has residential zoning so a coffee shop wouldn't be permitted in the building.

**President Tucker:** There's another one that we looked at last time on 15<sup>th</sup>.

**Commissioner Cohen:** Wrong building; I apologize.

**Commissioner Schiff:** I know you're going for a student population, but I don't think the balconies versus lack of balconies really should change with the population that you're targeting. Why are there no balconies at all on the building? There's a lack of green space and a lack of any shared outdoor space.

**Scott Nelson:** That has pretty much everything to do with our budget.

**Commissioner Schiff:** There is a market for student housing with balconies, you're just not trying to meet that market?

**Daniel Oberpriller [not on sign-in sheet]:** As far as the balconies, I'm not against balconies. One half of this building is on an alley so it looks right at some houses. The other side looks at the park along the railroad tracks and perhaps some balconies should be warranted looking at that portion of the building. On the other note, backing up to Commissioner Tucker's 14<sup>th</sup> Ave landscaping plan, we're very excited to make some improvements back there and make sure that connection looks well. I'm happy to add those in.

**Commissioner Schiff:** I would agree it's the railroad side overlooking those baseball fields that would be the best location for the balconies, not on the alley side. What's the cost per unit for adding balconies?

**Daniel Oberpriller:** It's probably \$2000 for each balcony. It's not cost prohibitive to the project; we can afford balconies. The alley fence probably goes up about 15 feet so you probably wouldn't see the second or third, but maybe put them from the third floor up or something like that would make sense to look over to the park.

**Commissioner Luepke-Pier:** Can they be five feet in depth or greater so they are real balconies?

**Daniel Oberpriller:** Yes.

[tape ended]

**Staff Dvorak:** ...balconies and having a certain depth, we just want to make sure that they don't trigger a variance which would require the applicants to come back because I believe they already have a variance of that north interior property line. It looks like the building is on the property line in some locations so not every unit could have one because it'd be over the property line if I'm looking at this plan correctly so we may want to consider just where they don't create variance or setback issues.

**Staff Holien:** That's correct. Facing the alley, the building is right up to the property line so any balconies on that side would actually encroach over the public right of way which is something that would require other approvals from Public Works. On the other side of the building, we have noticed a variance to a ten foot setback so any balconies that encroach any further into that required yard would be an additional variance to the sideyard setback.

**Daniel Oberpriller:** We'd be happy to pay for the variance and happy to produce the balconies. It makes the building more appealing.

President Tucker closed the public hearing.

**President Tucker:** I might suggest we approve staff recommendation on A-H (Luepke-Pier).

**Aye:** Brown, Cohen, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Absent:** Gagnon

**Recused:** Huynh

Commissioner Schiff moved approval of the site plan review (Cohen seconded).

**President Tucker:** I will add one condition that the applicant will work with staff to make the 14<sup>th</sup> Ave SE end of the building, particularly the ground floor, more active and compatible with the pedestrian path and bridge that cross the adjacent tracks.

**Commissioner Kronzer:** I think it's a delicate balance to create an active outdoor space and make that compatible with some of the houses directly to the south so I don't know if there are some hours of use or maybe not building a fire pit, for example, might be a good idea. Just to think through that and how the bridge dumps into that space.

**Commissioner Luepke-Pier:** I'd like to see added that on the elevation facing the railway that balconies be added to a minimum depth of five feet from the third floor up.

**President Tucker:** Projecting or not?

**Commissioner Luepke-Pier:** Projecting. I wouldn't mind it on the second floor, but for sure floors three through five.

**Aye:** Brown, Cohen, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Absent:** Gagnon

**Recused:** Huynh